

Message Text

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FOR HRC DELEGATION

FOL RPT DUBLIN 392 ACTION SECSTATE INFO LONDON BELFAST
STRASBOURG 19 FEB QUOTE

LIMITED OFFICIAL USE DUBLIN 392

E.O. 11652: N/A

TAGS: SHUM EI

SUBJECT: ALLEGATIONS OF POLICE BRUTALITY

REF: DUBLIN 337

1. IRELAND'S PRESTIGIOUS NEWSPAPER, THE IRISH TIMES, HAS MOUNTED THIS WEEK A STRONG AND WELL DOCUMENTED CAMPAIGN PURPORTING TO PROVE THAT THE IRISH POLICE (GARDA SIOCHANA) HAVE BEEN USING SYSTEMATIC BRUTALITY IN ORDER TO OBTAIN INFORMATION AND CONFESSIONS FROM PERSONS HELD UNDER THE EMERGENCY POWERS ACT. THE OPPOSITION FIANNA FAIL PARTY AND SOME LABOR PARTY MEMBERS HAVE CALLED FOR AN INDEPENDENT TRIBUNAL TO INVESTIGATE COMPLAINTS AGAINST THE POLICE. IN THE LIMITED OFFICIAL USE

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PARLIAMENT (DAIL) FEBRUARY 17 JUSTICE MINISTER COONEY DENIED MOST OF THE ALLEGATIONS AND REJECTED, AT LEAST FOR THE TIME BEING, THE IDEA OF AN INDEPENDENT TRIBUNAL.

2. IN A LONG AND COMPLICATED STATEMENT COONEY DENIED THAT A SPECIAL SQUAD, CALLED THE "HEAVY GANG" BY THE IRISH TIMES, EXISTS WITHIN THE GARDA. HE ADMITTED

THAT A FEW ISOLATED INCIDENTS OF BRUTALITY MIGHT HAVE OCCURRED, BUT MAINTAINED THAT THE PRESENT COMPLAINT MECHANISM WORKS SATISFACTORILY. HE SAID THAT IN 1975-76 58 COMPLAINTS WERE INVESTIGATED. OF THESE 22 WERE REFERRED TO THE PUBLIC PROSECUTOR, 8 WERE TRIED, AND ALL WERE DISMISSED. HOWEVER, THE GARDA THEMSELVES TOOK (UNSPECIFIED) DISCIPLINARY ACTION IN FOUR INSTANCES. COONEY FURTHER SAID THAT SEVERAL COMPLAINTS IN 1977 WERE SUB JUDICE AND HE WOULD NOT COMMENT. HE DEFENDED THE IMPARTIALITY OF THE IRISH COURTS AND SAID THAT HE WOULD NOT LIKE TO HAVE A "STAR CHAMBER" TRIBUNAL HANGING OVER THE GARDA.

3. THE IRISH TIMES PREDICTABLY REJECTED COONEY'S POSITION AS "INCONCLUSIVE," "UNSATISFACTORY," AND "CLASSICALLY AMBIGUOUS". THE TIMES POINTED OUT THAT COONEY'S FIGURES MERELY PROVE THAT THE SYSTEM DOES NOT WORK. "OF 58 CASES RECORDED BY THE COMMISSIONER OVER TWO YEARS, NOT ONE RESULTED IN A CONVICTION BEFORE THE COURTS". THE TIMES, WHILE ADMITTING THAT THE COURTS WERE GOOD, POINTED OUT AN ANOMALY IN THE SYSTEM: "IF THE AGENCY ENTRUSTED WITH THE COLLECTION OF THAT EVIDENCE IS ITSELF THE DEFENDANT, HOW THEN CAN THE OTHER PARTY BE ASSURED OF FAIR PLAY? THE TRUMP CARDS WILL ALWAYS REST WITH THE GARDAI."

4. COMMENT: WE UNDERSTAND THAT LARGE NUMBERS OF BRITISH CORRESPONDENTS CAME OVER FOR COONEY'S PERFORMANCE AND THAT THESE ALLEGATIONS ARE GETTING LIMITED OFFICIAL USE

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WIDE COVERAGE IN THE UK PRESS. INCIDENTALLY, SINCE COONEY'S REPLY WAS DELAYED FOR ONE DAY THE ENGLISH CORRESPONDENTS HAD A CHANCE TO HEAR A DEBATE IN THE DAIL ABOUT ALLEGATIONS OF WIDESPREAD MISTREATMENT OF IRISH PRISONERS IN BRITISH PRISONS. IN ANY EVENT, THIS AFFAIR IS EMBARRASSING TO THE GOI AS IT COMES AT JUST THE TIME THAT THE CASE AGAINST THE BRITISH FOR ESSENTIALLY SIMILAR VIOLATIONS OF HUMAN RIGHTS IS BEING PRESSED AT STRASBOURG (REFTEL). THE IRISH TIMES IS A CAREFUL, SOLID, RELIABLE NEWSPAPER AND HAS NOT UNDERTAKEN SUCH A CAMPAIGN WITHOUT PLENTY OF EVIDENCE. DESPITE A RATHER GOOD PERFORMANCE BY COONEY, WE DO NOT BELIEVE THE TIMES WILL BACK OFF. SURPRISINGLY, THE OPPOSITION SO FAR IS NOT PRESSING THE CASE. ONE OF THEIR LEADERS TOLD AN EMBOFF THAT A SERIOUS INVESTIGATION "MIGHT TURN OVER TOO MANY ROCKS. REMEMBER, WE WERE THE GOVERNMENT UP UNTIL 1973." CURLEY

UNQUOTE VANCE

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